

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

**JAMES MCCODE,**

**Petitioner,**

**v.**

**Case No. 5:13-cv-21542**

**JOEL ZIEGLER, WARDEN,  
FCI-BECKLEY,**

**Respondent.**


**MEMORANDUM OPINION AND ORDER SEALING EXHIBIT**

Pending before the Court is United States Motion to Seal Exhibit 1 of its Response to Motion under 28 U.S.C. § 2241. (ECF No. 14). Due to the highly confidential nature of the information, this Court **ORDERS** Exhibit 1 to be sealed. (ECF No. 15). The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Exhibit 1 shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the highly confidential and specially protected

nature of the records, as well as the extent of the private information contained therein, no such alternatives are feasible at this time. Moreover, the exhibit pertains to highly personal matters which have no particular relevance to the general public. Accordingly, the Court finds that sealing Exhibit 1 does not unduly or significantly prejudice the public's right to access them.

The Clerk is instructed to provide a copy of this Order to the Petitioner and all counsel of record.

**ENTERED:** January 30, 2014



Cheryl A. Eifert  
United States Magistrate Judge